

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
APRIL 28, 1976

The regular adjourned meeting of the City Council of the City of Lodi was held beginning at 8:02 p.m., Wednesday, April 28, 1976 in the City Hall Council Chambers.

| | |
|---|---|
| ROLL CALL | <p>Present: Councilmen - Ehrhardt, Katnich, Katzakian, Pinkerton and Hughes (Mayor)</p> <p>Absent: Councilmen - None</p> <p>Also Present: City Manager Henry A. Glaves, City Attorney Robert H. Mullen, Public Works Director Jack L. Ronsko, and Community Development Director James B. Schroeder.</p> |
| INVOCATION | The invocation was given by Father Oliver O'Grady, St. Anne's Catholic Church. |
| PLEDGE | Mayor Hughes led the Pledge of Allegiance to the flag. |
| MINUTES | On motion of Councilman Ehrhardt, Katnich second, the Minutes of April 7, 1976 were approved as written and mailed. |
| PROCLAMATIONS | Mayor Hughes proclaimed the month of May 1976 "Memorial Month" in recognition of the Lodi Memorial Hospital's membership drive and presented the Proclamation to Mr. Steve Mann. |
| FLORA STREET STREET LIGHT- ING DISTRICT | <p>Notice thereof having been published and posted in accordance with law, Mayor Hughes called for the Public Hearing on the proposed formation of the Flora Street Street Lighting District. City Manager Glaves explained that under the 1911 Improvement Act, proceedings had been initiated by the property owners who had presented a petition for the lights signed by owners of more than sixty percent of the front footage in the proposed district.</p> <p>There being no one present who wished to speak on this matter, the public portion of the hearing was closed.</p> |
| RES. NO. 4188 OVERRULING PROTESTS | Councilman Katnich moved adoption of Resolution No. 4188 overruling protests in the Flora Street Street Lighting District. The motion was seconded by Councilman Ehrhardt and carried. |

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RES. NO. 4189
ADOPTING
WAGE RATES

Councilman Katnich moved adoption of Resolution No. 4189 adopting the scale of prevailing wage rates in the Flora Street Street Lighting District. The motion was seconded by Councilman Pinkerton and carried.

RES. NO. 4190
ORDERING
WORK

Councilman Katnich moved adoption of Resolution No. 4190 ordering the work to be done in the Flora Street Street Lighting District. The motion was seconded by Councilman Pinkerton and carried.

RES. NO. 4191
DIRECTING
ASSESSMENT BE
PREPARED

Councilman Katnich moved adoption of Resolution No. 4191 directing that the assessment be prepared for the Flora Street Street Lighting District. The motion was seconded by Councilman Ehrhardt and carried.

PLANNING COMMISSION

The City Manager gave the following report of the Planning Commission meetings of April 12, 1976 and April 26, 1976:

The Planning Commission -

FILLEY
REZONING
REQUESTS

1. Recommended the approval of the request of Mr. Dwight Filley to prezone (1) an approximate 4-acre parcel at the southeast corner of Lower Sacramento Road and the future extension of West Vine Street to C-P, Commercial Professional and (2) an approximate 15-acre parcel on the south side of the future extension of West Vine Street west of the WID Canal, R-1, Single-Family Residential.

A third parcel of 4.4 acres, which has also been requested for annexation by the applicant, will automatically be zoned U-H, Unclassified-Holding because it cannot be used for urban purposes since it has been designated as a storm water retention basin.

On motion of Councilman Ehrhardt, Katzakian second, the Council set the above recommendations of the Planning Commission for Public Hearing at 8:00 p.m., Wednesday, May 19, 1976 in the City Hall Council Chambers.

ITEMS OF
INTEREST

The Planning Commission -

1. Approved the design of a proposed 8-foot fence along a side lot line at 200 West Century Boulevard (Lot 94, Vineyard Unit #1) which is the site of City Water Well #18.

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2. Recommended approval of action initiated by the San Joaquin County Planning Commission which would rezone the area bounded by Woodbridge Road on the north; State Highway 99 on the east; the Mokelumne River on the south and Lower Sacramento Road on the west to GA-40, General Agriculture, 40-acre Minimum and EA-10/AP, Exclusive Agriculture) Agricultural Products.

This action conforms to long-standing City Policy concerning the development of the north side of the Mokelumne River.

3. Recommend approval of action initiated by the San Joaquin County Planning Commission to rezone a 56-acre area along the south side of Mettler Road west of the intersection of Ham Lane and West Lane from GA-1, General Agriculture to GA-5, General Agriculture.

4. Recommended that the San Joaquin County Development Committee approve the request of Mr. Frank Nottingham to subdivide a 62.25-acre site located between Victor Road (State Highway 12) and East Pine Street, west of the Central California Traction Company right-of-way into three parcels: (a) Parcel A, 10 acres; (b) Parcel B, 6.27 acres and (c) Parcel C, 46 acres.

5. Recommended that the San Joaquin County Planning Commission approve the request of Sanitary City and Transhaul, Inc. to rezone 35 acres located on the south side of the Mokelumne River at the north end of Cluff Road from I-PA, Interim-Protected Agriculture to GA-10, General Agriculture.

COMMUNICATIONS

ABC LICENSES

The Deputy City Clerk presented the following applications for Alcoholic Beverage Licenses:

1. The Southland Corporation, Donald L. Nelson, Asst. Secretary, dba 7-Eleven Foodstore, 401 N. California Street, Lodi, Person to Person Transfer. Off Sale Beer and Wine.
2. Leone and William J. Cronin, "The Barking Dog", 312 North California Street, Lodi, (Svc. Charge), On Sale General Public Premises.

The Deputy City Clerk reported that the Lodi Unified School District had recently protested a similar request at this location and that the School Administrative staff expected a similar protest on this request.

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3. Dale E. Long, The Winery, 548 S. Sacramento Street, Lodi, Exchange of License Type, On Sale Beer and Wine Public Premises.

4. William O. Valencia, Los Charros, 23-25 N. Sacramento Street, Lodi, New License, On Sale Beer and Wine Public Premises.

5. Anthony F. Darone, Jr., Tony's Pizzeria, 100 N. Cherokee Lane, Lodi, New License, On Sale Beer & Wine Eating Place

6. Sandra J. McGinn, Oak Cash Market, 354 East Oak Street, Lodi, New License, Off Sale Beer and Wine.

7. McCarty Brothers, Inc., James A. McCarty, President, Robert A. McCarty, Vice-President, William G. McCarty, Sec-Trsr., Mac's Pizza & Beef, 2400 W. Turner Road, Building #102, Lodi, New License, On Sale Beer and Wine Eating Place.

PUB HEARING
GAS SERVICE
TARIFF

The Deputy City Clerk presented three notices of Applications before the Public Utilities Commission of the State of California by Pacific Gas and Electric Company for authority to revise its gas service tariff to offset the effect of increases in the price of gas from El Paso Natural Gas Company and from California Sources.

REPORTS OF THE
CITY MANAGER

CONSENT
CALENDAR

In accordance with the report and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Katnich, Ehrhardt second, were approved by Council.

CLAIMS

Claims were approved in the amount of \$1,533,729.53.

ACCEPT-
CHEROKEE LANE
STORM DRAIN
WEST SIDE

Council accepted the improvements in "Cherokee Lane Storm Drain - West Side, from 600 feet south of Kettleman Lane to Kettleman Lane" and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.

AWARD-CONTRACT
FOR ASPHALT
MATERIAL-4th
QUARTER
1975-76

Per report of the City Manager bids were received for asphalt materials for the fourth quarter of Fiscal Year 1975-76 as follows:

| SUPPLIERS | ITEM NO. 1 | | | ITEM NO. 2 | | ITEM NO. 3 | |
|---|--|---|---------------------------------------|--|---|--|--|
| | Dense Grade Asphalt Concrete, Type B, 3/8", 5.8%. Asphalt Binder shall be Viscosity Grade AR-8000 Paving Asphalt | | | Dense Grade Asphalt Concrete, Type B, 1/2", 5.8%. Asphalt Binder shall be Viscosity Grade AR-8000 Paving Asphalt | | Dense Graded Plant Mix, Type B, 3/8", 5.8%, SC-800 Liquid Asphalt Binder | |
| | A F.O.B. Plant (650 Tons) | B Stockpile City Limits (100 Tons) | C Hopper of Paver (250 Tons) | A F.O.B. Plant (100 Tons) | B Stockpile City Limits (100 Tons) | A F.O.B. Plant (50 Tons) | B Stockpile City Limits (50 Tons) |
| <u>Claude C. Wood Co., Clements</u> | | | | | | | |
| Cost per ton including tax | \$10.07 | \$11.45 | \$11.55 | \$ 9.81 | \$11.29 | \$10.34 | \$11.82 |
| Plus: City Cost for mileage | 1.26 | | | 1.26 | | 1.26 | |
| TOTAL COST PER TON | \$11.33 | \$11.45 | \$11.55 | \$11.07 | \$11.29 | \$11.60 | \$11.82 |
| <u>Teichert Construction, Clements</u> | | | | | | | |
| Cost per ton including tax | \$10.60 | \$12.508 | \$12.402 | \$11.395 | \$12.508 | -- | -- |
| Plus: City Cost for mileage | 1.26 | | | 1.260 | | | |
| TOTAL COST PER TON | \$11.86 | \$12.508 | \$12.402 | \$12.655 | \$12.508 | | |
| <u>McGaw Co., Fench Camp</u> | | | | | | | |
| Cost per ton including tax | \$10.28 | \$12.40 | \$12.40 | \$10.28 | \$12.40 | | |
| Plus: City Cost for mileage | 1.84 | | | 1.84 | | -- | -- |
| Less: \$.50/ton for prompt payment | .50 | .50 | .50 | .50 | .50 | | |
| Less: Asphalt reduction to meet State specifications | .21 | .21 | .21 | .35 | .35 | | |
| TOTAL COST PER TON | \$11.41 | \$11.69 | \$11.69 | \$11.27 | \$11.55 | | |

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RES. NO. 4192

Report and recommendation of the City Manager indicates that the award be made to Claude C. Wood Company, the low bidder, in the amount of its bid.

RESOLUTION NO. 4192

RESOLUTION AWARDING THE CONTRACT FOR ASPHALTIC MATERIAL FOR THE FOURTH QUARTER OF FISCAL YEAR 1975-76 TO CLAUDE C. WOOD COMPANY, THE LOW BIDDER.

SPECS - APPRVD
2-TON DUMP
TRUCK - PUBLIC
WORKS DEPT.

COUNCIL APPROVED THE SPECIFICATIONS FOR A TWO-TON DUMP TRUCK FOR THE PUBLIC WORKS DEPARTMENT AND AUTHORIZED THE PURCHASING AGENT TO ADVERTISE FOR BIDS THEREON.

REGULAR
CALENDAR

REQUEST FOR
ANNEXATION -
TEMPLE
BAPTIST CHURCH

At the Council meeting of April 7, 1976 Mayor Hughes directed that the request of the Temple Baptist Church to annex a 28-acre parcel at the northwest corner of Lower Sacramento Road and the future extension of West Vine Street be referred back to staff for review and recommendation.

The City Manager reviewed the staff report which listed the following items as the reason staff had not proceeded with the annexation request without review of the City Council.

1. The property being requested for annexation had all City utility services available except terminal storm drain.
2. City Council policy requires that temporary ponding basins on private property may be used to drain a single, one-ownership parcel if approved by the City Engineer.
3. Preliminary indications are that the Temple Baptist Church property will be divided into two parcels, one for a church complex and the second for a senior citizens housing complex which will be Church-oriented.
4. Staff research into the development of the Bethel Open Bible Church, English Oaks Seventh-Day Adventist Church and Century Assembly of God, all of which have senior citizen housing facilities, has determined that the church and its accessory uses and the housing complexes are under separate ownership. Preliminary indications are that the Temple Baptist Church will follow the same procedure because of financing requirements. This means that the temporary

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drainage facilities will be servicing two properties rather than one.

5. On parcels across Lower Sacramento Road from this proposed development, the City Council, in concert with the property owners, recently took action to eliminate the possibility for a number of temporary basins by joint private development of one basin which delivers water to the City's terminal drainage system.

A similar solution is not possible in the present situation.

6. The Temple Baptist Church proposes to develop property in Drainage Area "F" which is the last area on the Adopted Drainage Master Plan to be developed.

It should be noted that in 1966 the City Council permitted Westgate Shopping Center to erect its present facilities with temporary storm drainage in this same drainage area.

7. The size of the site, 28 acres, is larger than other parcels approved for temporary ponding facilities.

The staff asked the City Council to make one of the following determinations:

1. The Temple Baptist Property cannot be developed with temporary drainage facilities because of the creation of two parcels, or
2. The property can be developed with temporary facilities because the City Council believes it is really one large project regardless of ownership.

The following persons were present and represented the Temple Baptist Church:

1. Mr. Wayne West, 348 Shady Acres Drive, Lodi. He described the Church's plans and stated that at present it did not appear that anything would be built for four years and that the first stages would all be church and Sunday school facilities.
2. Mr. Reuben Nuss, 1600 Edgewood Drive, Lodi. He stated that the Church wished to provide facilities for all age groups and outlined the various recreation facilities proposed.

A lengthy discussion followed in which the following items were discussed: (1) the City Council must approve any future zoning changes on the property which will be automatically zoned U-H, Unclassified-Holding after annexation;

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(2) the Church and related facilities would require a Use Permit regardless of the zoning classification; and (3) the City could establish conditions at the time of final action on the annexation.

Mayor Hughes summarized the City Council position and stated that based on the present plans, the City Council feels temporary drainage could be developed. He instructed the Deputy City Clerk to correspond with the Temple Baptist Church and indicated that if portions of the property were sold or proposed for other than the present plans, that terminal storm drainage would be required before the changed portions could be developed.

AGREEMENT -
F. WHITE

FAMILY
COUNSELING-
CO-OP
PROGRAM

The City Manager submitted a contract for approval which involves the services of Mr. Frank C. White as a training instructor in family counseling. This program is for participants in the CO-OP Program within San Joaquin County. Funds are to be provided by the County, but as the sponsoring agency, the City of Lodi will be the contracting party. There is no cost to the City of Lodi.

After discussion, on motion of Councilman Ehrhardt, Katnich second the City Council authorized the Mayor to sign the agreement with Mr. Frank C. White as a training instructor in family counseling for the participants in the CO-OP Program.

APPROVAL OF
LODI AVENUE
ACQUISITIONS

The City Manager informed the Council that the Public Works Department has signed deeds and agreements with the following additional property owners along West Lodi Avenue between Avena Avenue and Ham Lane.

| <u>Names</u> | <u>Addresses</u> |
|--------------------------------|----------------------|
| Leroy J. and Sheila P. Carney | 233 S. Fairmont Ave. |
| United Artists Theatre Circuit | 1000 W. Lodi Ave. |
| United Artists Theatre Circuit | 1010 W. Lodi Ave. |
| United Artists Theatre Circuit | 1110 W. Lodi Ave. |

On motion of Councilman Ehrhardt, Katnich second, Council approved agreements covering the acquisition of property from the above listed property owners, along West Lodi Avenue, authorizing the City Manager to execute the agreements on behalf of the City and the City Clerk to accept the deeds.

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RESOLUTIONS
AUTHORIZING
CONDEMNATION AND
IMMEDIATE
POSSESSION OF REAL
PROPERTY FOR
STREET WIDENING IN
AREAS OF WEST LODI
AVENUE

RES. NO. 4193
RES. NO. 4194
RES. NO. 4195
RES. NO. 4196
RES. NO. 4197

Following introduction of the matter by the City Manager, on motion of Councilman Ehrhardt, Katnich second, Council adopted Resolution No. 4193 authorizing and directing Condemnation and Immediate Possession of real property located at 231 South Avena Avenue, belonging to Jack and Patricia Chappell, his wife, for street widening purposes.

On motion of Councilman Ehrhardt, Katnich second, the Council adopted Resolution No. 4194 authorizing and directing Condemnation and Immediate Possession of real property located at 300 South Sunset Drive belonging to Webster, Jane and Judith E. Tyson, for street widening purposes.

On motion of Councilman Ehrhardt, Pinkerton second the Council adopted Resolution No. 4195 authorizing and directing Condemnation and Immediate Possession of real property located at 233 South Sunset Drive, belonging to Merle G. Ray and Barbara Pearson Ray, his wife, for street widening purposes.

On motion of Councilman Ehrhardt, Pinkerton second the Council adopted Resolution No. 4196 authorizing and directing Condemnation and Immediate Possession of real property located at 1200 West Lodi Avenue, belonging to William M. and Blanche Stemler, his wife for street widening purposes.

On motion of Councilman Ehrhardt, Katnich second, Council adopted Resolution No. 4197 authorizing and directing Condemnation and Immediate Possession of real property located at 1214 West Lodi Avenue, belonging to Charles H. and Molly Duncan, his wife, for street widening purposes.

KETTLEMAN LANE
(HIGHWAY 12)
TRAFFIC SIGNALS -
HAM LN; CHURCH
ST. AND STOCKTON
ST.

The City Manager recommended the adoption as a Capital Improvements Program for Traffic Signals, the Kettleman Lane (State Highway 12) intersections with Church Street, Stockton Street and Ham Lane. These intersections call for a sharing of expense on a 50-50 basis with the State of California. It was stated that the City of Lodi should identify the programs and adopt them as future projects, in order to get the matter before the State Department of Transportation for future budgeting of its one-half.

On motion of Councilman Katnich, Ehrhardt second, the Council approved as Capital Improvement Projects the installation of traffic signals on Kettleman Lane (State Highway 12) at the intersections of Church Street, Stockton Street and Ham Lane.

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REPORT ON I-5
PRESENTATION

25-712

Mayor Hughes reported that he and the Public Works Director appeared before the State Highway Commission to urge completion of Interstate Highway 5 between Kettleman Lane (State Highway 12) and its present terminus in Southern Sacramento County. He stated that the Commission had given assurance that this project would be funded and completed. The Mayor said that the widening of Highway 12 between I-5 and Ham Lane had not been recommended to the Highway Commission because of the concern that funds for that project would be taken from the monies needed to complete I-5.

LODI HIGH SCHOOL
PARKING COMMITTEE

Councilman Ehrhardt stated that the Lodi High School Parking Committee which consists of representatives of the School Board of Trustees, the City Council, residents of the neighborhood and students, was meeting to determine the number of on-street parking spaces versus the number of parking lot spaces and other parking concerns pending the installation of the on street "No Parking" signs.

The Public Works Director reported that the signs should be installed within the next two weeks and that 5 of the sign posts which are already in place had already been damaged, or removed from their sidewalk location.

COG OFFICERS

Councilman Ehrhardt reported that at the Council of Government's meeting April 27, 1976 Councilman Charles Bott, Stockton, had been elected COG Chairman and Councilman Ronald Polhemus, COG Vice-Chairman.

NCPA

Mayor Hughes stated that Lodi would be hosting the regular meeting of the Northern California Power Association on April 29, 1976 and invited Councilmen and staff to attend.

ORDINANCES

ORD. NO. 1072
ADOPTED

22

Ordinance No. 1072 - entitled "AN ORDINANCE AMENDING CHAPTER 27 (ZONING ORDINANCE) OF THE LODI CITY CODE TO INCLUDE AN 'UNCLASSIFIED HOLDING DISTRICT' (U-H)" having been introduced at a regular meeting held April 7, 1976 was brought up for passage on motion of Councilman Katzakian, Ehrhardt second. Second reading was omitted after reading by title and the Ordinance was then passed, adopted and ordered to print by the following vote:

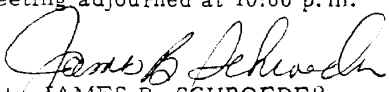
Ayes: Councilmen - Ehrhardt, Katnich, Katzakian, Pinkerton and Hughes

Noes: Councilmen - None

Absent: Councilmen - None

ADJOURNMENT

There being no further business, Mayor Hughes declared the meeting adjourned at 10:00 p.m.


Attest JAMES B. SCHROEDER